

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMPANY APPLICATION NO.254 OF 2005 IN C.P.NO.554 OF 2001

M/s. Monalisa E.D.C. Pvt. Ltd. ..Applicant.

Vs.

Mintage Electro Equipments Ltd. ..Respondent.

Mr.Santosh D. Raje i/by Santosh D.Raje & Co. for the Applicant.

None for the Respondent.

**CORAM : R.S. MOHITE, J.
DATED : 09.11.2006.**

P.C.

1. This is an application filed by the applicant for appointment of Official Liquidator as Provisional Liquidator of the respondent company. It is seen that the main petition No.554/2001 was filed for non payment of amount of Rs.13,78,950/-by the respondent company. The Company Petition was accepted. The respondent company appeared and admitted its liability and filed consent terms dated 4.4.2002 agreeing to make payment in instalments spread over in 18-months. The consent terms were not complied with and therefore, petition was admitted on 2.12.2004. The present application is filed in 2005 for appointment of provisional liquidator on the ground that inspite of the consent terms the respondent company has no intention to comply the said terms. The company succeeded in gaining time to frustrate the

applicant's efforts. From the affidavit of service affirmed by one Chirag Pandya on 7.11.2006, it appears that the notice of today's hearing was given to the Advocate for the respondent and their name is shown on the board but none appears for the respondent company. In the circumstances, I am inclined to grant this application and the same is made absolute in terms of prayer clause (a). Application stands disposed off.

(R. S. MOHITE, J.)